



MINUTES

Business Meeting of the Niagara Falls Water Board June 27, 2022 at 5:00 p.m.

Notes: Pursuant to public notice, this meeting was conducted at 1201 Buffalo Avenue, Niagara Falls, New York. The meeting could be attended in-person or via conference call pursuant to Chapter 417 of the Laws of 2021, as modified by Chapter 1 of the Laws of 2022 and pursuant to the continuation of the State Disaster Emergency Pursuant to Governor Hochul's Executive Order No. 11.

1. Preliminary Matters

Chairman Forster called the meeting to order at 5:02 p.m.

a. Attendance:

Asklar (Board Member/Chairman of Finance/Member Exec. Staff Review Cmte.) *Present at 5:08 p.m.*

Forster (Chairman) *Present*

Kimble (Board Member) *Present via Conference Call*

Larkin (Board Member/Vice Chairwoman/Governance Chairwoman/
Chairwoman Exec. Staff Review Cmte.) *Present via Conference Call until 5:08 p.m.*

Leffler (Board Member/Member Exec. Staff Review Cmte.) *Present*

b. Comments from Chairman Forster

Chairman Forster requested a motion to take the agenda out of order to consider Agenda Item 6(a), the Personnel Actions sheet, as Board Member Larkin, Chairperson of the Executive Staff Review Committee, is unable to stay for the whole meeting due to a family illness but spent a great deal of time working on the search for a new Director of Administrative Services.

Motion by Board Member Leffler and seconded by Board Member Larkin to consider Agenda Item 6(a).

Asklar __A__ Forster __Y__ Kimble __Y__ Larkin __Y__ Leffler __Y__

Motion carried, 4-0.

Motion by Board Member Larkin and seconded by Board Member Leffler to approve Personnel Action Sheet Item A1, hiring of David San Lorenzo as Director of Administrative Services.

Asklar __A__ Forster __Y__ Kimble __N__ Larkin __Y__ Leffler __Y__

Motion carried, 3-1.

Chairman Forster noted that the hiring process has been underway since January or February, and it took a lot of time, particularly by Board Member Larkin, to narrow the search down to three very good candidates. He then invited Mr. San Lorenzo to take a seat at the table alongside other Water Board executive staff.

Chairman Forster noted that for his comments, there are continuing issues related to the ongoing Gorge Pumping Station pump replacement project, valued at over \$4 million. He hopes Ted Donner from CPL will be able to talk about these issues, as the Water Board currently is incurring a lot of overtime associated with this issue.

c. Presentations

i. Upstate Strategic Advisors (Sam Hoyt) Regarding Status of Infrastructure Act Lobbying Effort

Sam Hoyt described the work his Firm has been doing with CPL and the Water Board team, Dr. Zehraoui, Sean Costello, and Chairman Forster. The goal is complete modernization of the WWTP facility.

He explained that as a member of the State Assembly and having forked for former Governor Cuomo for seven years, his involvement with the WWTP actually dates to 2017 when he was working for the Governor and on the State's response to the July 29, 2017 discharge from the WWTP. He is the one who pointed out to the Governor that \$20 million recently had become available from another project and suggested that those funds should be directed to the WWTP, so he is happy to have been involved in that first phase of funding.

The big task now is to get a quarter-billion dollars. Eight or nine months ago, Mr. Hoyt had thought it was a good time for the Water Board to try for those funds as bills resulting in \$1.2 for public infrastructure were in progress. Chairman Forster suggested he work with CPL to develop a plan.

An aggressive campaign of introducing the Board and Authority to Federal and State representatives ensued with the Board's funding, including one-on-one meetings with senior staff from the offices of both U.S. Senators, multiple meetings with Congressman Higgins and staff, dozens of meetings with WNY State representatives and their staff, including Assemblyman Morinello and Senator Ortt, a presentation to the entire WNY State legislative delegation, County legislators, and a robust effort to engage with other community stakeholders. This has included a ceremonial meeting between Niagara Falls NY Mayor Restaino and NF Ontario Mayor Diodate on the Rainbow Bridge, meetings with Labor Unions, Chambers of Commerce, and others. Recently, the WWTP hosted DEC Commissioner Basil Seggos, who said he was very impressed, and meetings have been held with EFC senior leadership, and importantly, there also has been regular communication with Governor Hochul's office and local representative.

To use a football analogy, he feels the ball has been driven well downfield and it is time to cross the goal line. Given that it is an election year, he feels there is a good chance that one of the Governor's announcements in coming months will be funding, though it is not likely all needed funds will be awarded at once.

There is a \$4.2 billion bond act on the ballot this November, which would be money available over the next 3-5 years, and this as well as other State and Federal funds might be the source of the appropriations ultimately needed. Given the importance of the project both regionally and internationally, he thinks we will succeed.

The next steps are to keep pressure on politicians, and to invite the EFC Director to meet with us like DEC Commissioner Seggos has done.

Board Member Asklar inquired what Mr. Hoyt thinks the first round of funding might equal. Mr. Hoyt feels, based on recent media releases regarding other projects in the State, that there could be \$50 to \$100 million awarded to move the project forward.

d. Letters and Communications

i. 2022-05-09 – COVID Wastewater Surveillance Update Memorandum

- e. Public Comments (All speakers must register with the meeting clerk prior to roll call and are limited to three minutes per person – total time for all speakers may not exceed one hour).**

None.

f. Prior Meeting Minutes

i. Draft May 23, 2022 Meeting Minutes

Motion by Board Member Leffler and seconded by Board Member Kimble to approve the May 23, 2022 Meeting Minutes.

Asklar __Y__ Forster __Y__ Kimble __Y__ Larkin __A__ Leffler __Y__

Motion carried, 4-0.

ii. Draft June 13, 2022 Special Meeting Minutes

Motion by Board Member Asklar and seconded by Board Member Leffler to approve the June 13, 2022 Special Meeting Minutes.

Asklar __Y__ Forster __Y__ Kimble __Y__ Larkin __A__ Leffler __Y__

Motion carried, 4-0.

2. Executive Director – Dr. Abderrahman Zehraoui

- a. WWTP Project Budget Tracker (CPL)**
- b. WWTP Construction Schedule Tracker (CPL)**
- c. WWTP Capital Project Update (CPL)**

Ted Donner from CPL reviewed the Project Budget Tracker. Issues related to Project 2, at the Gorge Pumping Station, have been related to controls. Plant IQ, subcontractor to CIR, is responsible for controls. We will continue meetings and withhold payment for control work until working controls are furnished. The controls need to be automatic so the NFWB no longer has to man the GPS.

Chairman Forster questioned whether there may be other issues, such as a pump bearing. Mr. Donner noted that could be the case but that the NFWB will not take ownership of the pumps from the contractor until all issues are resolved.

Chairman Forster asked about Project 1. It appears that July 11 is the projected date for Sedimentation Basin 5 to be back in service. Jay Meyers from CPL confirmed that is the case, the contractor has been working weekends to make up for lost days.

3. Outside Infrastructure Updates – Michael Eagler

- a. Sewer Collapse -11th & Cleveland – Impact on City Paving**
- b. Bid Needed for Repair of a 10-inch Sewer Main, 16 Feet Deep, Located 20 Feet East of 83rd and Lindbergh Intersection**

Mr. Eagler noted that a large leak in the Deveaux area has been located and repaired, and turned over to the State for paving. The good news is that in making this repair a closed valve on Delaware and Lafayette was found, associated with eight- and ten-inch mains, and there are indications that opening these valves increased pressure in the area as much as 10 PSI.

Outside crews have cameraed over 7,000 feet of sewer mains in LaSalle for the Consent Order, and inspected 629 laterals and 89 manholes.

The Meter Shop has tested 18 large meters already this year, compared with 22 all of 2021. A new program has been implemented. Only one meter was found out of calibration.

Mr. Eagler noted that the camera truck revealed that the top of a 10” main at 16-foot depth is collapsed, in the area of 83rd and Lindberg. City Engineering will put this repair out to bid. There also is a known issue with a 16” sewer main on Cleveland Avenue that is 14-15 feet deep. It has very low flow but the area to be repaired exceeds 200 feet and that section will need to be put out to bid. Water Board crews will repair a smaller section of about 16 feet.

4. Maintenance – Joseph Argona

Mr. Argona noted that the WTP is dealing with high seaweed levels, requiring the buckets into which it is screened to be dumped every four hours. An electrical failure over the weekend disabled the hoist used for that process, but Ferguson Electric was called and repaired the issue. The screen room at the WWTP is underway, and then the carpenters will be moving to the WTP to work on the conference room desk. Mr. Argona would like to have the conference room project done by July 29, and is working on ordering speakers, microphones, cameras, chairs, TVs, and carpet.

5. Engineering – Douglas Williamson

Mr. Williamson is working with CPL on materials related to grant applications and there will be resolutions for this at the July meeting.

6. Personnel Items – John Accardo

a. June 27, 2022 Personnel Actions Report

Having approved Personnel Action item A1 earlier in the meeting, there was a motion by Board Member Asklar and seconded by Board Member Leffler to approve items A2 (MW2) and A3 (WWTP Lab Director).

Asklar __Y__ Forster __Y__ Kimble __Y__ Larkin __A__ Leffler __Y__

Motion carried, 4-0.

7. Information Technology (IT) – Dr. Abderrahman Zehraoui

IT has been updating the servers and a new Sophos firewall will be live by July 1. When these upgrades are complete, we will have a cyber vulnerability assessment.

8. Finance – Brian Majchrowicz

- a. Revenue Budget Performance Report through May 31**
- b. Sewer Fund Expense Budget Performance Report through May 31**
- c. Water Fund Expense Budget Performance Report through May 31**
- d. Board Fund Expense Budget Performance Report through May 31**
- e. Key Bank and Bank on Buffalo Balance Report**
- f. Wilmington Trust Balance Report**
- g. Treasury Account Balance Report**
- h. Budget Amendments Report**
- i. May 2022 Capital Payments**
- j. Payroll, Hypochlorite, Sludge, Ferric, and SIU Revenue Status Charts**

Mr. Majchrowicz noted that there is progress on implementing Paychex, regular payroll processing is going well, and manager training went well. We hope to go live with timecards for the next pay period.

Mr. Majchrowicz has begun work on the 2023 budget and met with rate consultant Drescher & Malecki to begin the process.

Chairman Forster reviewed the budget status and noted several favorable areas.

9. Questions Regarding May 2022 Operations and Maintenance Report

Chairman Forster requested more updates to the Industrial Monitoring section of the O&M report for the next meeting, including removal of old material and an update on Cascades.

10. Safety – John Accardo

Mr. Accardo reports that on June 15 PERMA completed a very thorough safety inspection at the water treatment plant, and they will return in July for the WWTP.

11. General Counsel and Secretary – Sean Costello

12. From the Chairman

13. Resolutions

**2022-06-001 – AWARD BID FOR 18TH STREET WATER MAIN REPLACEMENT
a. CPL Award Recommendation Letter and Bid Tabulation**

Motion by Board Member Leffler and seconded by Board Member Asklar to approve Resolution 2022-06-001.

Asklar Y Forster Y Kimble Y Larkin A Leffler Y

Motion carried, 4-0.

Chairman Forster noted that he has been asking for progress on this project since 2018.

**2022-06-002 – FUNDS FOR RELOCATION OF WWTP ADMINISTRATION BUILDING
CHILLER**

a. Mollenberg-Betz Quote No. HJ2022-73

Motion by Board Member Asklar and seconded by Board Member Leffler to approve Resolution 2022-06-002.

Asklar Y Forster Y Kimble Y Larkin A Leffler Y

Motion carried, 4-0.

2022-06-003 – FUNDS FOR WTP CHLORINE BOOSTER PUMP PIPING

a. Mollenberg-Betz Quote No. HJ2022-71

Motion by Board Member Kimble and seconded by Board Member Asklar to approve Resolution 2022-06-003.

Asklar Y Forster Y Kimble Y Larkin A Leffler Y

Motion carried, 4-0.

2022-06-004 – EXTENSION OF CPL GRANT WRITING AGREEMENT

a. CPL Proposal Dated June 7, 2022

Motion by Board Member Asklar and seconded by Board Member Leffler to approve Resolution 2022-06-004.

Asklar __Y__ Forster __Y__ Kimble __Y__ Larkin __A__ Leffler __Y__

Motion carried, 4-0.

2022-06-005 – WWTP PROJECT NO. 5 TRANSFORMER REPLACEMENT

a. Ferguson Electric Proposal No. PD23467

Motion by Board Member Asklar and seconded by Board Member Kimble to approve Resolution 2022-06-005.

Asklar __Y__ Forster __Y__ Kimble __Y__ Larkin __A__ Leffler __Y__

Motion carried, 4-0.

2022-06-006 – EXERCISING OPTION FOR BONADIO & CO. TO PERFORM 2022 AUDIT

a. Bonadio & Co. Proposal

Motion by Board Member Leffler and seconded by Board Member Asklar to approve Resolution 2022-06-006.

Asklar __Y__ Forster __Y__ Kimble __Y__ Larkin __A__ Leffler __Y__

Motion carried, 4-0.

2022-06-007 – AUTHORIZING SETTLEMENT OF REYNOLDS CLAIM

a. Notice of Claim dated April 18, 2022

Motion by Board Member Leffler and seconded by Board Member Asklar to approve Resolution 2022-06-007.

Asklar __Y__ Forster __Y__ Kimble __Y__ Larkin __A__ Leffler __Y__

Motion carried, 4-0.

2022-06-008 – OPERATOR TRAINEE LICENSURE INCENTIVE PROGRAM

a. Draft WWTP Operator Trainee Licensure Incentive Program

Motion by Board Member Asklar and seconded by Board Member Kimble to approve Resolution 2022-06-008.

Asklar __Y__ Forster __Y__ Kimble __Y__ Larkin __A__ Leffler __Y__

Motion carried, 4-0.

Chairman Forster commended Mr. Costello for working with the Union to develop a solution to this problem that provides our Operator Trainees with a modest increase and us with better-educated operators.

2022-06-009 – CPL BIOLOGICAL CONVERSION SUPPORT

a. CPL Proposal Dated June 1, 2022

Motion by Board Member Asklar and seconded by Board Member Leffler to approve Resolution 2022-06-009.

Asklar __Y__ Forster __Y__ Kimble __Y__ Larkin __A__ Leffler __Y__

Motion carried, 4-0.

14. Unfinished/Old Business

Chairman Forster requested Dr. Zehraoui to update these items prior to the next meeting.

1) Board Room WTP:

- 3/11/22: Both contracts were executed for Electric (CIR) and Piping (Danforth). A meeting will be scheduled for 3/17 with contractors.
- 4/13/22: Danforth work complete. CIR work to be scheduled by end of month. Next steps include relocation of fiber optic line and completing wall demolition.

2) WWTP Sodium Hypochlorite Tank Replacement

- 3/11/22: We need to put out an RFP for the tank replacement work due to the costs. Cost estimate from Belding Tank Technologies of \$73,300 plus \$5,000 freight for a 14,000-gallon tank. We will likely need to put drawings and specifications together to get a complete bid price. Doug is working on the bid.
- A draft RFP has been completed that includes drawings and specifications for the sodium hypochlorite tank #216 replacement. Possibility of including the replacement of ferric chloride tanks #214 and #215 in the RFP. Waiting to

hear back from EFC on the grant application that was submitted in November of 2021 for this work.

3) Basin 5 - Completion Date

- 3/11/22: Basin 5 completion date is still dependent on when the gear box is delivered.

4) WWTP Brick Repair Work & Enclosure of Balcony

- 3/11/22: Scope of work being developed and quotes will be obtained.
- 4/13/22: Bricklayers on site, work underway, meeting with canvas installer by end of April for screening in of balcony.

5) Whitney Ave. Water Main Replacement

- 3/11/22: Previously, CPL put this project on hold to focus on the 18th Street Watermain project. However, they plan to survey Whitney Avenue and start working on the design again.
- 4/14/22: Whitney Avenue survey has been completed and CPL is currently finalizing the documents for submission to DOH.

6) WTP Perimeter Fence Replacement Update

- 3/11/22: Contractor quotes previously obtained, but waiting on results of grant application submitted at end of November 2021.
- 4/13/22: Quotes obtained for brush hog needed to facilitate performing work in-house.

7) Paychex Payroll System Update

- 3/17/22: All information requested has been sent to Paychex. Waiting on Paychex to finish setting our system up. Per Paychex status meeting on 3/17 - 'Status of Project – 29% complete, first payroll tentatively slated to process 3/22 with a check date of 3/25'
- 4/14/22: In the process of completing a mock payroll to coincide with our previous one to make sure numbers are accurate. Timeclocks are currently being programmed and we will start testing a sample of employees with the new clocks. Continuing training.

8) Advanced Metering Infrastructure Update

- 3/10/22: Dave Johnson (Neptune) email update in 3/21 work session packet.
- 4/14/22: April 7, 2022 update from Neptune is in the 4/18 work session packet.

9) Verifying Ownership Prior to Opening Water Account

- 3/28/22: Board Members Asklar and Larkin raised question regarding squatters possibly having water service turned on; will seek more details on specific address.

15. New Business & Additional Items for Discussion

Board Member Asklar requested an update on hydrants – are any out of service? Mr. Eagler stated that one hydrant had out of service at the corner of Pine and Main with repairs delayed due to many other utility conflicts, but repairs are complete and at the present time there are zero hydrants out of service. 145 hydrants have been tested so far this year. Any hydrant out of service is replaced, and older hydrants continue to be replaced when manpower is available as preventative maintenance.

16. Executive Session (if needed)

None.

17. Adjournment of Meeting

Motion by Board Member Leffler and seconded by Board Member Asklar to adjourn the meeting at 6:11 p.m.

Asklar Y Forster Y Kimble Y Larkin A Leffler Y

Motion carried, 4-0.